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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,295	09/08/2003	Susan Caprio	C 80330	9742
27321	7590	04/05/2005	EXAMINER	
ALVIN S. BLUM 2350 DELMAR PLACE FORT LAUDERDALE, FL 33301			NEGRON, ISMAEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/657,295	CAPRIO, SUSAN	
	Examiner	Art Unit	
	Ismael Negron	2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☒ Claim(s) 1 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/8/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Key Holder with Vibration Activated Lighting.**

Abstract

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it uses phrases which can be implied, and refers to the purported merits of the claimed invention. Correction is required. See MPEP § 608.01(b). The Examiner suggests deleting the phrase "is provided" from the first line, and the complete third sentence of the abstract.

Specification

3. The disclosure is objected to because of the following informalities: page 2, line 23 should read "*contact cylinder 63. [[.]] A holding element 16 with switch 21 is energized when the momentary*".

Appropriate correction is required.

Claim Objections

4. Claim 1 is objected to because of the following informalities: the language used for reciting the limitations related to the first and second switching means (sections "f" and "g") is overly intricate and verbose. Appropriate correction is strongly suggested.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2, 3 and 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase "usual purse operation" in claims 2 and 6 is a relative term which renders the claim indefinite. The phrase "usual purse operation" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

The phrase "preset time interval long enough to enable a person to find the key holder in a cluttered purse" in claim 5 (lines 10 and 11) is a relative term which renders the claim indefinite. The phrase is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

Claims 3, 7 and 8 are rejected for their dependency on rejected claims 2 and 5.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over HSUEH (U.S. Pat. 6,334,692) and TSENG (U.S. Pat. 5,709,464).

HSUEH discloses a key holder having:

- **key holding means (as recited in claims 1 and 5), Figure 3, reference number 16;**
- **the holding means being for holding at least one key (as recited in claims 1 and 5), column 2, line 18;**
- **a housing (as recited in Claim 1), Figure 3, reference number 1;**
- **the housing being connected to the key holding means (as recited in Claim 1), as seen in Figure 3;**
- **a battery holder (as recited in Claim 1), Figure 3, reference number 7;**
- **the holder being located within the housing (as recited in Claim 1), as seen in Figure 3;**
- **the holder including first and second battery connections (as recited in Claim 1), Figure 3, reference numbers 6 and 18;**
- **a light source (as recited in claims 1 and 5), Figure 3, reference number 4;**
- **the light source being located within the housing (as recited in Claim 1), as seen in Figure 3;**
- **the light source being arranged to shine light out of the housing (as recited in Claim 1), inherent;**

- **a vibration switch (as recited in claims 1 and 5), Figure 3, reference number 26;**
- **the vibration switch being located within the housing (as recited in Claim 1), as seen in Figure 3;**
- **the vibration switch being activated by a preset vibration intensity (as recited in claims 1 and 5), column 2, lines 43-48;**
- **illumination means (as recited in Claim 5), Figure 3, reference number 1;**
- **the illumination means being connected to the key holding means (as recited in Claim 5), as seen in Figure 3;**
- **a battery (as recited in Claim 5), Figure 3, reference number 10;**
- **a circuit (as recited in Claim 5), inherent; and**
- **the circuit being activated by the vibrating switch (as recited in Claim 5), column 2, lines 43-48.**

HSUEH discloses all the limitations of the claims, except:

- first switch means (as recited in Claim 1);
- the first switch means being located within the housing (as recited in Claim 1);
- the first switching means being activated by the vibration switch (as recited in Claim 1);
- the first switching means remaining closed for a preset time interval after activation (as recited in Claim 1);

- second switch means (as recited in Claim 1);
- the second switch means activating the light source during the preset time interval (as recited in Claim 1);
- the preset intensity being greater than that resulting from normal pulse operation (as recited in claim 2 and 6);
- the preset time interval being one minute or less (as recited in claims 3, 4, 7 and 8); and
- the circuit activating the light source for the preset time interval (as recited in Claim 5).

TSENG discloses an illumination device having:

- **a housing (as recited in Claim 1), Figure 1, reference number 1;**
- **a light source (as recited in claims 1 and 5), Figure 1, reference number 6;**
- **a vibration switch (as recited in claims 1 and 5), Figure 1, reference number 7;**
- **the vibration switch being located within the housing (as recited in Claim 1), as seen in Figure 1;**
- **the vibration switch being activated by a preset vibration intensity (as recited in claims 1 and 5), column 2, lines 9-15;**
- **first switch means (as recited in Claim 1);**
- **the first switch means being located within the housing (as recited in Claim 1), Figure 1, reference number 3;**

- **the first switching means being activated by the vibration switch (as recited in Claim 1), column 2, lines 9-12;**
- **the first switching means remaining closed for a preset time interval after activation (as recited in Claim 1), column 2, lines 12-17;**
- **second switch means (as recited in Claim 1), Figure 1, reference number 3;**
- **the second switch means activating the light source during the preset time interval (as recited in Claim 1), column 2, lines 9-17;**
- **illumination means (as recited in Claim 5), Figure 1, reference number 1;**
- **a battery (as recited in Claim 5), Figure 1, reference number 2;**
- **a circuit (as recited in Claim 5), Figure 1, reference number 4;**
and
- **the circuit being activated by the vibrating switch (as recited in Claim 5), column 2, lines 9-12;**
- **the circuit activating the light source for the preset time interval (as recited in Claim 5), column 2, lines 9-17.**

Regarding the first and second switching means (as recited in Claim 1), such means were considered as inherently included by the circuit topology of the integrated circuit of TSENG, as they are required to perform as disclosed by TSENG.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to combine the key holder of HSUEH with the illumination circuit of TSENG to obtain a key holder including vibration activated lighting means capable of providing illumination for a preset period of time after activated (as recited in claims 1 and 5), as per the teachings of TSENG.

Regarding the preset intensity being greater than that resulting from normal purse operation (as recited in claim 2 and 6), it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to set the activation level of the vibration activated switch to a level greater than that resulting from normal purse operation, to prevent the illuminated key holder from being activated while stored in a purse.

Regarding the preset time interval being one minute or less (as recited in claims 3, 4, 7 and 8), it would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to set the time interval to the claimed value, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). The actual preset time interval would have been an obvious matter of selecting the appropriate value for a specific application.

Relevant Prior Art

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Wong (U.S. Pat. 5,400,232), **Rapisarda** (U.S. Pat. 5,550,721), **Chin** (U.S. Pat. 5,561,414), **Garner** (U.S. Pat. 5,903,103), **So** (U.S. Pat. 6,065,851), **Rodgers** (U.S. Pat. 6,164,794), **Caswell** (U.S. Pat. 6,170,968) and **Wei** (U.S. Pat. 6,764,193) disclose a plurality of LED illumination devices including vibration actuated switches, some devices including circuit means for providing illumination for a preset time interval after activation.

Nishizawa et al. (U.S. Pat. 4,831,504), **Lennon et al.** (U.S. Pat. 5,210,525), **Parsons et al.** (U.S. Pat. 6,357,890), **Huang** (U.S. Pat. 6,591,646), **Lewis et al.** (U.S. Pat. 6,685,338) and **Deutsch** (U.S. Pat. 6,742,913) disclose illuminated key holders.

Conclusion


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.


Inr

April 1, 2005


THOMAS M. SEMBER
PRIMARY EXAMINER